

83-10-2

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February 18, 1983

Mr. Charles E. Sirc, Secretary
State Board of Registration of
Funeral Directors and Embalmers
Health and Welfare Building
Hazen Drive
Concord, New Hampshire 03301

Re: Opinion Request Regarding RSA 325-A:4

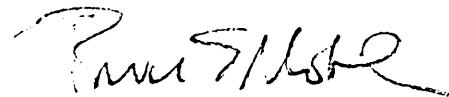
Dear Mr. Sirc:

This letter is in response to your request on behalf of the State Board of Registration of Funeral Directors and Embalmers for an opinion as to specification of materials that may be used to meet the requirements of a "suitable solid container" for cremation as provided in RSA 325-A:4. Unfortunately, I do not believe that we can appropriately provide you with an opinion which will respond your concern.

As you know, RSA 325-A:5 provides that the Director of Public Health Services is to "make such rules and regulations as are necessary to govern the construction and operation of crematories and for the enforcement of this chapter" [emphasis added]. The question you ask seems to fall squarely within the latter clause of RSA 325-A:5. That is, what standards shall be applied to enforce the "suitable solid container" requirements of RSA 325-A:4. Therefore, we decline to give you an opinion on this subject and suggest that the State Board direct its inquiry to the Director of Public Health Services, who has specific statutory authority to promulgate rules and regulations on this and other related subjects. I have forwarded a copy of this letter to the Director, who I note is a member of the State Board of Registration.

If you have any question concerning this matter,
please do not hesitate to contact me.

Very truly yours,



Bruce E. Mohl
Assistant Attorney General
Division of Legal Counsel

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cc: Dr. William T. Wallace, Director
Division of Public Health Services